

Exhibit 7

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CASE NO. 1:11-cv-00483
JUDGE ROBERT J. JONKER

GEORGIA-PACIFIC CONSUMER
PRODUCTS, LP, FORT JAMES
CORPORATION, and
GEORGIA-PACIFIC LLC,

Plaintiffs,

vs.

NCR CORPORATION, INTERNATIONAL
PAPER CO., and WEYERHAEUSER
CO,

Defendants.

_____ /

PARLIAMENTARY REPORTING
8520 GOVERNMENT DRIVE
NEW PORT RICHEY, FLORIDA
January 12, 2012
9:07 a.m. - 10:59 a.m.

VIDEOTAPED DEPOSITION OF RICHARD MORRIS BENNETT

Taken before James M. Spangler, Registered
Merit Reporter and Notary Public, State of Florida at
Large.

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1 BY MR. KEARFOTT:

2 Q. Okay. Would you describe what you recall
3 about that type of paper?

4 A. Well, in the beginning it was considered a
5 good grade. There was no printing on it. It was
6 white, didn't take -- it went through the process, but
7 it was -- didn't have to be de-inked, and didn't take
8 as much chlorine to straighten it out to get it bright,
9 so it was a good product.

10 Anything that we could get without printing on
11 it was considered good. A lot of ledgers, colored
12 ledgers and white ledgers. If we got it before it went
13 to the printing press, it was considered good.

14 Q. Was the carbonless copy paper considered a
15 ledger grade of paper?

16 A. Yeah.

17 Q. Okay.

18 A. White ledger.

19 Q. Do you recall anything about the odor
20 associated with carbonless copy paper?

21 A. There was an odor, and, uh, after we realized,
22 I don't know how many years after, that we realized
23 that that was a no-no, and that was a way of detection
24 was the color. You could smell it in the bales.

25 Q. All right.

1 Was it a vivid odor?

2 A. Yes.

3 Q. Did you smell that odor during the years that
4 you were working at the Bryant Mill in the mill
5 de-inking facility?

6 A. I remember that, yes.

7 Q. Okay. Do you recall anything about the source
8 of NCR carbonless broken trim?

9 A. Not specifically. Just that I think the
10 trucks came from Wisconsin. That's the best I can
11 remember.

12 Q. Okay. After you left the employ of Allied,
13 you went to work for the Brown Company, is that right?

14 A. Yes.

15 Q. And you worked for a while at the KVP
16 Parchment Mill and later at the Box Board Mill, is that
17 right?

18 A. Yes.

19 Q. What type of paper was made at the Box Board
20 Mill?

21 A. Box Board Mill was what is called recycled
22 paperboard, and it's -- the product is used for cereal
23 boxes, cracker boxes, parts boxes. It's a coated
24 recycled board, a hundred percent recycled fiber. And
25 we had two machines there at the mill and they made

1 roughly 500 tons a day.

2 Q. Had that mill made that particular type of
3 board for a number of years before your arrival there?

4 A. Yes.

5 Q. Was any part of the paper product that was
6 made at that mill, uh, the type of product that ledger
7 wastepaper would have been used for?

8 A. Yes.

9 Q. And what was that?

10 A. The recycled board is three layers, called a
11 top liner, which is white as we could get it, and
12 without bleaching, just white, and the filler, which is
13 the middle layer, which is -- and the back liner, which
14 is a combination of box shop and news. So our main --
15 major furnish was ledger, corrugated boxes, news and
16 box shop, which was -- which we called box shop, which
17 was trim from Kellogg and General Mills from their
18 printing plants. We bought their wastepaper --

19 Q. Okay.

20 A. -- and reused that.

21 Q. I'm going to the ask the reporter to mark as
22 Exhibit 41 a two-page document that bears production
23 numbers KZ0023020.

24 (THEREUPON, EXHIBIT 41 (Appleton letter) WAS
25 SO REFERENCED FOR IDENTIFICATION.)

1 BY MR. KEARFOTT:

2 Q. Mr. Bennett, I'm going to hand you a document
3 and will represent to you that there will be evidence
4 that this is or these are two copies of a document that
5 were in the files of Wiggins Toape Research and
6 Development, Limited in England, and that came from a
7 man named Fred Heinritz at Appleton Coated Paper
8 Company in Appleton, Wisconsin.

9 Would you look at that and tell me if you have
10 ever seen this document before, to your knowledge?

11 (Pause.)

12 A. I don't recall this, no.

13 Q. Okay. To your knowledge, have you seen this
14 document at any time before I just handed it to you
15 right now?

16 A. No.

17 Q. All right.

18 I'd like to turn -- the -- turn your
19 attention, please, to the first page of this document.

20 A. Uh-huh.

21 Q. To the second sentence that I would like to
22 read into the record from Mr. Heinritz. Several
23 different mills have used limited quantities of our CB
24 Broke over the years, including the Bergstom Paper
25 Company, Noonan, Wisconsin and Allied Paper Company,

1 Kalamazoo, Michigan. This letter is dated May 19,
2 1965.

3 Is the reference to Kalamazoo Paper Company,
4 Kalamazoo, Michigan using quantities of CB Broke, does
5 that refer to, to the best of your knowledge, to the
6 company for whom you worked, Allied?

7 A. Yes.

8 MR. MARRIOTT: Objection.

9 MR. PARKER: Objection.

10 BY MR. KEARFOTT:

11 Q. Is this statement consistent with your own
12 recollection of a source of CB Broke that was received
13 by Allied?

14 MR. MARRIOTT: Objection.

15 MR. PARKER: Objection.

16 THE WITNESS: Yes.

17 BY MR. KEARFOTT:

18 Q. If you come down to the second paragraph
19 beginning at the word confidentially, let me read this
20 to you.

21 A. Okay.

22 Q. Confidentially, we can tell you that we
23 receive \$75 per ton for this waste, which is quite high
24 in relation to other wastepapers we sell. This
25 compares favorably with other white wastepapers we sell

1 and, therefore, they must be removing the coating in a
2 rather simple manner.

3 Is that also consistent with your recollection
4 of carbonless copy paper?

5 MR. MARRIOTT: Objection.

6 MR. PARKER: Objection.

7 BY MR. KEARFOTT:

8 Q. Would you now answer?

9 A. Yes.

10 MR. KEARFOTT: Okay. Mr. Bennett, that's all
11 the questions I have, sir.

12 I'm sure these gentlemen will have some
13 questions for you.

14 THE WITNESS: Very well.

15 MR. MARRIOTT: Should we take a break or do
16 you want to proceed?

17 MR. PARKER: That's fine.

18 THE WITNESS: Sounds like a good idea.

19 THE VIDEOGRAPHER: It's 9:52. We're going off
20 the record.

21 (THEREUPON, A BRIEF RECESS WAS TAKEN AFTER
22 WHICH THE FOLLOWING PROCEEDINGS WERE HAD:)

23 THE VIDEOGRAPHER: It's 10:01. We're back on
24 the record.

25 CROSS EXAMINATION

1 BY MR. DUNNING:

2 Q. Mr. Bennett, my name is Mike Dunning. I
3 represent Weyerhaeuser. We were introduced earlier.

4 I just have a couple of follow-up questions so
5 that I understand this a little bit better.

6 Earlier when Mr. Kearfott was asking you some
7 questions about the King and Bryant Mills, you gave us
8 some background about how the paper stock came in.

9 Do you recall that earlier this morning?

10 A. Yes.

11 Q. So -- and I also recollect that you testified
12 that part of the stock for the mills was recycled
13 paper, is that right?

14 A. Yes.

15 Q. Do you remember, maybe using percentage
16 figures, how much of the stock for the King and the
17 Bryant Mills was recycled paper?

18 A. It varied by grade, depending on what the
19 machine was making, and varied as to 10 percent up to
20 30 to 40, is what I recall.

21 Q. And would those percentages be similar or the
22 same for the King and the Bryant Mill?

23 MR. MARRIOTT: Objection.

24 THE WITNESS: Yes, I would say so.

25 MR. DUNNING: Thank you. That's all I have.

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1 is where the stock is mixed with the virgin fiber, and
2 then to the Jordan, which is a refining that helps put
3 strength into the fibers. Machine chest is where it's
4 mixed and ready to go on the machine, and then the
5 consistency regulator dilutes it so that the pulp goes
6 out on to the wire, a moving wire, squirts out, fiber
7 stays on top of the water, goes through and forms the
8 sheet. And there's some cleaning on the machine, some
9 bird screens -- I didn't realize that -- head boxes is
10 the very dilute water when fiber -- it's ahead of the
11 machine, squirts it out onto the wire, the couch sucks
12 the water out.

13 BY MR. MARRIOTT:

14 Q. Can I ask you is it head box or heed box?

15 A. Head. Called head box.

16 And it's there it comes out of the -- and
17 mixes so it's uniform, squirts it out on the wire,
18 makes the sheet, the couch, the press sucks the water
19 out, vacuum pump, then there's presses with, uh,
20 blanket-type felts on it that press the water out,
21 first press, second press, and goes through the dryers
22 section, which is cylinders with steam inside, the
23 sheet serpentines through that and dries, and then
24 there's starch added as sizing to prepare the surface,
25 and then where it's calenders, it's smoothed, makes the

1 smoothness. Some papers, like it's very smooth, some
2 don't. And there's where you adjust that. And then it
3 goes onto the reel and the reel goes to rewinder that
4 slits the rolls into rolls and the rolls go to the
5 sheeter, and sent to the -- put on skids and sent to
6 the customer.

7 Q. Anything else? That covers it?

8 A. Yes.

9 Q. Can you tell us where water comes into the
10 process and where it goes out of the process?

11 A. Uh, the white water storage chest is the couch
12 pit, the white water storage is, uh -- a lot of water
13 in the sheet, and when you come out it's dry, and some
14 of the water is put off in steam up through the dryer
15 vents, but the water -- that excess water from the
16 machine goes in the white water storage chest and
17 recycled and reused.

18 Q. And you will see that it says underneath the
19 white water storage chest, overflow. To what does that
20 refer?

21 A. That's to the Portage Creek. That's a very
22 old drawing you have there.

23 Q. And what do you mean? What does it mean
24 overflow to the Portage Creek?

25 A. That means if, uh, there's a sudden stop of

1 power, pumps stop, that chest would fill up and have to
2 overflow.

3 Q. So it means that water going into the process
4 goes from the process to the creek, right?

5 A. It could, yes. This is, as I said, a very old
6 drawing.

7 Q. It could and, in fact, during the time you
8 were employed at Allied, it did go from the process to
9 the creek?

10 A. Yes.

11 Q. Take a look, if you would, at the next page
12 and tell me what that is. This is the last page of
13 Exhibit 48.

14 A. Okay. All right. Let me see. This is a
15 water flow diagram of the system from Mill A, Mill C,
16 Mill D and Mill E, and depicts where the excess water
17 goes to the clarifier and in some cases through to the
18 creek.

19 Q. Okay. You can put that aside. Thank you.

20 During examination this morning counsel showed
21 you Exhibit 41. Do you recall being shown Exhibit 41?
22 If you can find it there. Thank you.

23 A. Yes.

24 Q. All right. You've never seen Exhibit 41?

25 A. No.

1 Q. It's not addressed to you, right?

2 A. No.

3 Q. You don't know the person to whom it's sent?

4 A. Who is that? Burroughs? No.

5 Q. And you don't know the person who purportedly
6 sent the letter, right?

7 A. Who is -- what? Bud? No.

8 Q. And you don't, in fact, know whether this
9 letter was ever sent or received, right?

10 A. No.

11 Q. You have no personal knowledge as to the
12 contents of this letter, right?

13 A. Right.

14 MR. MARRIOTT: Thank you.

15 Nothing further.

16 MR. KEARFOTT: Okay. Any questions?

17 (Pause.)

18 REDIRECT EXAMINATION

19 BY MR. KEARFOTT:

20 Q. If carbon paper got into the wastepaper
21 furnish, would that result in any specking of the
22 paper?

23 MR. MARRIOTT: Objection.

24 THE WITNESS: Yes.

25 MR. KEARFOTT: No further questions.

1 MR. MARRIOTT: Hold on one second. Let me
2 make sure my colleague doesn't have any advice for
3 me.

4 MR. KEARFOTT: Got the smart one telling you,
5 huh?

6 MR. PARKER. Every operation has brains. It's
7 really us at this point in our careers.

8 MR. MARRIOTT: Okay. We're good.
9 Thank you.

10 MR. KEARFOTT: All right.

11 You have an opportunity to read the deposition
12 and to sign it, if you would like to do that, or you
13 can rely on the court reporter and waive your
14 signature. It's entirely up to you.

15 THE WITNESS: I'll waive.

16 MR. KEARFOTT: You want to waive. Okay.

17 THE VIDEOGRAPHER: It's 10:59. We're going
18 off the record.

19 (CONCLUDED AT 10:59 A.M.)
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CERTIFICATE OF OATH

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

I, the undersigned authority, certify that
the witness named herein personally appeared before me
and was duly sworn by me.

Witness my hand and seal this date:
January 13, 2012.



James M. Spangler, RMR
Notary Public - State of Florida
My Commission Expires 10/9/2013
Commission No. DD927624

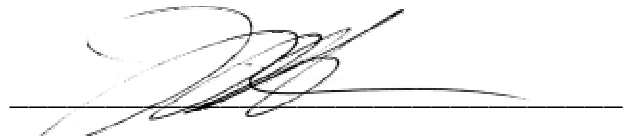
1 CERTIFICATE OF REPORTER

2 STATE OF FLORIDA)
3)
4 COUNTY OF HILLSBOROUGH)

5
6 I, James M. Spangler, Registered Merit
7 Reporter, do hereby certify that I was authorized to
8 and did stenographically report the foregoing; and that
9 the transcript is a true and complete record of my
10 stenographic notes.

11 I further certify that I am not a relative,
12 employee, attorney or counsel of any of the parties,
13 nor am I a relative or employee of any of the parties'
14 attorney or counsel connected with the action, nor am I
15 financially interested in the action.

16 Witness my hand and seal this:
17 January 13, 2012.

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20 

21 James M. Spangler, RMR
22 Notary Public - State of Florida
23 My Commission Expires 10/9/2013
24 Commission No. DD927624
25